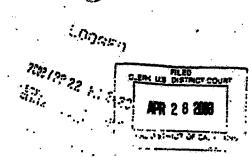
## **EXHIBIT F**



## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

In re REZULIN LITIGATION

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KAYE SCHOLERUP

CASE NO. CV 03-1643-R(RZx)

DIANE SKINNER; and DIANE YBARRA,
Plaintiffs,

PROPOSED ORDER
DENYING PLAINTIFFS'

WARNER-LAMBERT CO.: PFIZER INC.: JERROLD OLEFSKY; McKESSON CORP.,

Defendants.

Defendants removed this action from state court to this Court alleging diversity jurisdiction. Defendants asserted that Jerrold Olefsky and McKesson Corp., both of whom are California residents, were fraudulently joined. Plaintiffs moved to remand to state court. The motions came on for hearing by the Court on April 21, 2003.

Having considered the motions and other documents in support of and in opposition to the motions, having heard the arguments of counsel, and being fully advised in the matter, the Court denies the motion.

The Court finds that Dr. Ierrold Olefsky ("Dr. Olefsky"), a patent-holder and clinical investigator, owed no legal duty to any of the plaintiffs, and, therefore, there is no possibility that the plaintiffs can prove a cause of action against Dr. Olefsky. Thus, Dr. Olefsky must be disregarded for purposes of determining federal diversity jurisdiction.

23104767.WFD

(FROPOSED) ORDER

Exhibit B Page 18

The Court further finds that there is no possibility that plaintiffs could prove a 1 cause of action against McKesson, an entity which distributed this FDA-approved 2 medication to pharmacists in California. Pursuant to comment k of the Restatement 3 4 (Second) of Torts Section 402A and California law following comment k, a 5 distributor of a prescription drug is not subject to strict liability. 6 Accordingly, this Court has diversity jurisdiction over each of these actions. 7 The motion to remand is denied. IT IS SO ORDERED. 8 Dated: April 29. 2003 9 MANUEL L. REAL 10 11 MANUEL L. REAL UNITED STATES DISTRICT JUDGE KAYE SCHOLERUP 12 Submitted by: 13 O'DONNELL & SHAEFFER LLP 633 West Fifth Street, Suite 1700 Los Angeles, California 90071 Telephone: (213) 532-2000 Facamile: (213) 532-2020 14 15 16 ESCHOLER 1 1999 Avenue of the Stars Los Angeles, California 90 Telephone: (310) 788-100 Facsimile: (310) 788-120 17 18 19 By: Count Barnes 20 Attorneys for Defendants
WARNER-LAMBERT COMPANY and PFIZER INC. 21 22 23 24 25 26 27 28